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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE TO	:	
PRACTICE MEDICINE AND SURGERY OF	:	ORDER FOR EXAMINATION
MARTIN E. FARBSTEIN, M.D.	:	94 MED 226
	:	

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Martin E. Farbstein, M.D.
411 South Prospect, #202
Galena, Illinois 61036

Martin E. Farbstein, M.D.
6933 Borderbrook
San Antonio, TX 78238

Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

FILE COPY

On July 21, 1994, the Medical Board received argument on the Division of Enforcement's Petition for an Order requiring Martin E. Farbstein to undergo a professional competency examination for the use of the Board in its investigation of Dr. Farbstein [investigative file # 94 MED 226].

Having heard argument in this matter and upon review of the petition and all materials submitted by the parties, the Board in this matter makes the following:

FINDINGS OF FACT

1. Martin E. Farbstein, M.D. (D.O.B. 02/17/26) is duly licensed to practice medicine and surgery in the State of Wisconsin (license #14207). This license was first granted on January 12, 1962. Dr. Farbstein's registration to practice medicine in Wisconsin is current.

2. Dr. Farbstein's most recent address on file with the Wisconsin Medical Examining Board is 411 South Prospect, #202, Galena, IL 61036. 311 S. Howell Ave., Milwaukee, Wisconsin 53207. The Division of Enforcement's last written contact with Dr. Farbstein showed a mailing address for Dr. Farbstein of 6933 Borderbrook, San Antonio, TX 78238.

3. The Department of Regulation and Licensing has pending before it an investigation concerning Dr. Farbstein's practice [investigative file #94 MED 226.] This investigation is based upon information received relevant to an action pending against Dr. Farbstein's license to practice medicine in the state of Iowa. The Iowa action raises questions about Dr. Farbstein's

competency to safely practice medicine.

4. The Board concludes that it would be useful to its investigation that Dr. Farbstein undergo complete mental, physical and competency examinations.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter, pursuant to §448.02(3), Wis. Stats.

2. The Wisconsin Medical Examining Board is authorized to issue the following order, pursuant to Wis. Stats. §§227.44 and 448.02(3)(a).

ORDER

A. NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Dr. Farbstein shall submit himself for complete mental and physical examinations to Board-approved practitioners within 60 days from the date of this Order. Dr. Farbstein shall provide the Board with current releases complying with state and federal laws, authorizing release and access to his examination records. The Board shall arrange the parameters of the examinations required under this order directly with the practitioner(s) who will perform the examination. The Department shall reimburse the practitioner directly for the cost of Dr. Farbstein's examination(s).

2. Dr. Farbstein may select any of the following Board-approved practitioners for the mental examination required under the terms of this order:

Maurice J. Martin, MD
Mayo Clinic
Rochester MN 55905

Darold A. Treffert, MD
Brookside Medical Center
481 East Division Street
Fond du Lac, WI 54935

Thomas G. Pfaehler, MD
20 South Park Street
Madison, WI 53715

3. Within fifteen (15) days from the date of this order Dr. Farbstein shall submit to the Wisconsin Medical Examining Board the names, addresses, and telephone numbers of three internal medicine practitioners he proposes for the physical examination required under this Order. Within 30 days from the date of this order, the Board (or its designated agent) shall notify Dr. Farbstein of the internal medicine practitioner it wishes Dr. Farbstein to

see for his physical evaluation. [If the Board does not approve any of the practitioners suggested by Dr. Farbstein, it shall provide him with the names of three practitioners acceptable to the Board. Dr. Farbstein shall then choose one of the three Board-designated names for his evaluation.]

4. Dr. Farbstein shall arrange for the reporting of all examination results to the Board within 75 days of the date of this Order.

B. IT IS FURTHER ORDERED THAT

1. Dr. Farbstein shall take the September, 1994 SPEX (Special Purpose Examination) administered by the Federation of State Medical Boards of the United States, Inc.

2. Within fifteen (15) days from the date of this order Dr. Farbstein shall submit documentation of his registration for the September, 1994 SPEX to the Wisconsin Medical Examining Board.

3. Dr. Farbstein shall arrange for the reporting of examination results upon their first availability to the Wisconsin Medical Examining Board.

4. Upon verification of completion of the examination by Dr. Farbstein, the Department shall reimburse Dr. Farbstein the SPEX examination fee.

C. All correspondence and reporting required under this order shall be submitted to the Wisconsin Medical Examining Board in care of Michelle Neverman, Department Monitor, P.O. Box 8935, Madison WI 53708. The examination results shall be utilized by the Division of Enforcement in its investigation [#94 MED 226] and shall be admissible as evidence in any proceedings commenced as a consequence of this investigative file.

D. ~~IT IS FURTHER ORDERED~~ that pursuant to §448.02(4), if the Medical Examining Board determines that there is probable cause to believe that Martin E. Farbstein, M.D. has violated any of the terms of this Order, the Board may order that the license of Dr. Farbstein be summarily suspended pending investigation of the alleged violation. Violation of any of the terms of this Order shall constitute a basis for the imposition of discipline against Dr. Farbstein's license pursuant to MED §10.02(2)(b), Wis. Adm. Code.

This Order shall become effective upon the date of its signing.

July 21, 1994
MEDICAL EXAMINING BOARD

By: *James L. Esswein, M.D.*
James L. Esswein, M.D.
Chairperson
Medical Examining Board